(63 [Vic. No.9] & 64 VICT. c. 12)

RE-CONSTITUTION: QUEENSLAND CODE

REFORMATION PROJECT
(2019)

QUEENSLAND

Some simple proofs that **QUEENSLAND** is the Australian Territories prior to it becoming known as **THE COMMONWEALTH**.

(60 Vic. No.3)
OFFICIALS IN PARLIAMENT ACT OF 1896
(10 Eliz. 2 No. 20)
THE OFFICIALS IN PARLIAMENT ACTS, 1896 to 1961 (60 Vic. No.3),
"Collective title conferred by Constitution Acts Amendment Act of 1961, 6 (2)"; note to s. 5 :

"As amended by Officials in Parliament Act Amendment Act of 1939, s. 2 (ii); Officials In Parliament Acts Amendment Act of 1945, s. 3; and Officials in Parliament Acts and the Legislative Assembly Acts Amendment Act of 1946, s. 3. The words "in the last preceding section or" were expunged and the words "Naval or Military Forces ***of the Commonwealth***" were substituted for "Defence or Volunteer Force ***of Queensland***" by the Officials in Parliament Act Amendment Act of 1920, s. 2 (iii), *post.*"

(63 Vic. No.9)
THE CRIMINAL CODE OF 1899

15. Defence Force

Officers and men of the Land and Marine Defence Force are, while on duty or in uniform, subject to the special laws relating to that Force, but are not exempt from the provisions of this Code.

As to whether this provision is applicable to the Defence Forces of the Commonwealth, see Acts Shortening Act of 1867, s. 14, title ACTS; *Pirrie* v. *McFarlane* (1925), 36 C.L.R. 170.

(31 Vic. No. 6.)
THE ACTS SHORTENING ACT OF 1867

14. Words "*in, for* or *of* the Colony of Queensland" to be implied. –

When any officer or office is referred to in any enactment the same shall be taken to refer to the officer or office of the description designated within and for the Colony of Queensland and all references to localities jurisdictions and other matters and things shall be taken to relate to such localities jurisdictions and other matters and things within and of the said colony unless in any such case the contrary shall appear to have been intended by the Legislature.

From **THE CONSTITUTION ACT OF 1867** (until 01 January 1901), the Legislatural authority of the Australian Territories was Queensland, no longer New South Wales & Van Diemens Land. Queensland is the authority of competant and constituted government and, the name of a particular colony, and the Australasian colonies ("dependencies" of Queensland). Queensland is also the name given to the founding Acts of the Commonwealth: Queensland Statutes.

(31 Vic. No. 6.)
THE ACTS SHORTENING ACT OF 1867

11. Interpretation of certain words in Acts

Gender and number. **–** words purporting the masculine gender shall be deemed and taken to include females and the singular to include the plural and the plural the singular unless the contrary as to gender or number is expressly provided ...

QUEENSLAND

Some simple proofs that **QUEENSLAND** is the Australian Territories prior to it becoming the **COMMONWEALTH**.

Considering the numbers **63** and **64** in the designation **(63 & 64 VICT. c. 12):** these numbers indicate that the Enactments were assented to in the sixty-third and sixty-fourth years of the Reign of Her Majesty Queen and Empress Victoria, or the years **1899** and **1900**.

COMMONWEALTH CONSTITUTION ACT OF 1900 (63 & 64 VICT. c. 12) is a flimsy Act in itself which constitutes no Civil and no Criminal Law, no ***civilisation***, only the Constitutional powers of the Monarch and Their optional representative-executive, the Governor-General, and merely the partial constitution of the Parliaments and the judiciary and the relations between States ... hardly a Crowning accomplishment for the Last Empress.

The Act which ***does*** constitute the Civil and Criminal Law of the Commonwealth, and which is the ***sovereigntising*** and ***civilising Act*** of the Commonwealth is **THE CRIMINAL CODE [ACT], 1899 (63 Vic. No.9):** assented to in **1899**, commenced on the date of Federation **01** January **1901, (63 Vic. No.9)** is **THE CRIMINAL CODE.**

Thus, the **63** in **(63 & 64 VICT. c. 12) is (63 Vic. No.9)**: the Constitution of the Commonwealth is not merely **(63 & 64 VICT. c. 12),** it is **(63 Vic. No.9)** ***AND*** **(63 & 64 VICT. c. 12)**

By early collusions, the law **(63 Vic. No.9)** may never have been appropriately ***declared as law*** because it does not become the responsibility of the Parliament until Federation, and this is possibly also by design. But this is not to say that it was "***unknown***" because it has been the Law of the Commonwealth until relatively recently ... The statutes that have recently been unlawfully repealed prove this beyond possible doubt.

(63 & 64 VICT. c. 12)
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

CHAPTER I
THE PARLIAMENT
PART V—POWERS OF THE PARLIAMENT

51. Legislative powers of the Parliament

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to: –

(xxv) The recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States:

QUEENSLAND

Some simple proofs that **QUEENSLAND** is the Australian Territories prior to it becoming the **COMMONWEALTH**.

Here there is some apparent questionability which could be used to argue against our surmise that the colony of Queensland is not the jurisdiction of **QUEENSLAND** that is the Ubiquity of the Australian Territories. Perhaps unfortunately, there is nothing here on which an argument to such an effect could be based. The question of specificity ("with and for the Colony of Queensland [meaning, what became the State of Queensland]") is not specified in references to **QUEENSLAND** throughout much of the "Queensland Legislation," and **THE CRIMINAL CODE [ACT] OF 1899.** Further on this, the word colony does not occur at all in the statutes of the **THE CRIMINAL CODE [ACT] OF 1899,** and it appears to occur only once in the footnotes to the George V. publication of the same Act.

(63 Vic. No.9)
THE CRIMINAL CODE ACT, 1899 ;
THE CRIMINAL CODE, 1899;
THE CRIMINAL CODE OF QUEENSLAND, 1899
(c. 1937 publication)

note to s.5:

"As to offences under the Code which are also offences under Commonwealth Acts, see *R.* v. *Thomson*, [1913] St. R. Qd. 246; [1913] Q.W.N. 54 ; 7 Q.J.P.R. 154, note to s. 398 of the Code, *post; R.* v. *McDonald* (1906), 8 W.A.L.R. 149. With respect to the powers of the Commonwealth to enact criminal legislation, see *R.* v. *Kidman* (1915), 20 C.L.R. 425."

Or perhaps the Persons of the Commonwealth of Australasia are expected to be so dim-witted as to be of the promulgated opinion that Her Majesty, Queen Victoria would go to the lengths of Establishing the Dominions of Australia and of Sovereigntising, Uniting and Constituting the Indissoluble Federation of States of the Commonwealth so that all of the Laws of the Commonwealth only applied to one of its colony-States (that of Queensland) while only the **COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT (63 & 64 VICT. c. 12)** (which constitutes few Civil Rights or Criminal Wrongs, so to speak) applied only to the Commonwealth but not to Queensland ?

QUEENSLAND

Our first task in this explicatory and corrective endeavour is to re-establish some facts – facts which have been painted and pasted over by some one hundred and eighteen years of interested interpretation and sophistic opining which has sought to serve those vested, ideological and foreign interests: interests which are foreign and repugnant to the Crown and Constitution of the Commonwealth.

To eradicate the false and unnecessary confusion which may attach to the term **QUEENSLAND**. The Dominion of **QUEENSLAND**, the Jurisdiction of the Crown Law of **QUEENSLAND** is **THE COMMONWEALTH OF AUSTRALASIA** – which is Property of Her Majesty, Queen and Empress Victoria and the Legitimate Monarchy and Crown of Her Heirs and Descendants of the United Kingdom of Great Britain, which is ***British Property in the Perpetuity of its Lawful Assurance by Constitutional Enactment***.

(31 Vic. No. 6.)
THE ACTS SHORTENING ACT OF 1867

10. Construction of Words

Queensland. – "**Queensland**" shall mean Queensland and the dependencies thereof ...

"**Queensland**": For the boundaries of Queensland, see Letters Patent of June 6, 1859, constituting the State of Queensland and The Queensland Coast Islands Act of 1879, title CONSTITUTION.

The note (immediately above) belongs to an imprint from the Reign of His Majesty, King George V in which the 1859 Letters Patent are mentioned as relating to the "State" of Queensland (which it was not at the time): this is anachronistic and signals a particular kind of ignorance which is present throughout the publication. (c. 1938 – by this stage, there is an apparent vagueness regarding **QUEENSLAND**, omissions and discontinuities in the record as archivalised perhaps around the year 1984.

QUEENSLAND

THE CRIMINAL CODE , 1899 (63 Vic. No.9) is to be Commenced on and as of and from 1 January 1901 and **COMMONWEALTH CONSTITUTION ACT (63 & 64 VICT. c. 12)** is ***Established on*** and ***as of*** and ***from 9 July, 1900*** (coming into effect ***1 January 1901***) and is to apply to the whole of the Commonwealth of Austral[as]ia, and because **THE CRIMINAL CODE ACT, 1899 (63 Vic. No.9)** is the codification of laws and the enactment of statutory Rights, Duties, and our responsibilities toward them— the one's conspicuously not enacted ***in*** or ***by*** **COMMONWEALTH CONSTITUTION ACT (63 & 64 VICT. c. 12),** the ones they say we haven't got !—it would be completely false to claim that the Commonwealth has a defective constitution and that it was simply more "***failed old ways***".

The Monarch or Sovereign is the Possessor and Chief Executive Power of the Commonwealth and its States and Territories. Sovereignty is conditionally conferred to the Commonwealth and States and Territories by means of the Declaration and Enactment and Establishment of **THE CRIMINAL CODE ACT, 1899 (63 Vic. No.9)** and the **CRIMINAL CODE[, 1899 (63 Vic. No.9)]** thereof. The Monarch or Sovereign or Crown of the Commonwealth is inseparable from the Crown or Sovereignty or lawfully Enacted Rule of Law and ***Good Governance*** of the Commonwealth as it is established ***in*** and ***by*** constitution in **COMMONWEALTH CONSTITUTION ACT (63 & 64 VICT. c. 12).**

Repeating to elaborate and clarify, the Constituted Rule of Law in the Commonwealth is Statutory **THE CRIMINAL CODE, 1899:** Commonwealth Law is Statute Law, Civil Law, Code Law that is ***common-to*** the Commonwealth; but Statute Law, Civil Law, Code Law is not "***common law***"; "common law" or judge-made or precedence-law is not the Rule of Law of the Commonwealth. **THE CRIMINAL CODE, 1899** is the Principle or ***Precedence of Law*** of the Commonwealth; Constitutional Statute Law is ***the Precedent of Law*** in and of the Commonwealth, meaning that "the last precedent ruling of some judge" is not what establishes the precedent for the next ruling of some other judge – the Rule of Law of the Commonwealth is Statutory (and/or Statuted) Law. **THE CRIMINAL CODE, 1899** is ***Constituting*** and ***Constitutional Law*** – establishing and constituting the Precedent for prosecutorial and judicial determinations in relation to Criminal and Constitutional and Civil Law in the Commonwealth. Being the Law of the Commonwealth, **THE CRIMINAL CODE, 1899** is also to be the ***Principle Rule of Law*** of the States and Territories of the Commonwealth.

The Crown, Sovereignty, Rule of Law of the Commonwealth is further constituted and given Statutory Authority by, in and with the Royal Enactment of **COMMONWEALTH CONSTITUTION ACT (63 & 64 VICT. c. 12) :** the Statutory Establishment of the system of Governance under the Crown (the Reigning Monarch and the Lawfully Enacted and Lawful Rule of Law and the Constituted form of ***GOVERNANCE*** of the Commonwealth and the States and Territories thereof.

QUEENSLAND

QUEENSLAND, appropriately and properly defined, is the Australian Territories under the competent and ***as constituted*** legislature of the colony of Queensland.

(31 Vic. No. 6.)
THE ACTS SHORTENING ACT OF 1867

10. Construction of Words

Queensland. – "**Queensland**" shall mean Queensland and the dependencies thereof ...

NOTE: the term "Queensland" does not indicate the colony of Queensland but the ***then considered competent*** legislature of "Queensland" and its dependencies (in other words, the legitimate legislature of the Australasian territories (1867-1901)).

Aside from participating in the election of members and senators to the Parliaments and having justice administered to them by the courts, what are all of these persons to do, how are they to behave toward one another and inter-react amongst each other and toward the world of the Commonwealth and the world at large ? **THE COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT OF 1900** treats of none of these matters which would appear to be essential to ***good governance***.

Why constitute "***good government***" if no one is to know what they are allowed to do and what they are not allowed to do ? Perhaps the Church could instruct them on their moral uprightness and that would suffice to guide them on their ways; or perhaps the ***common law***, etched as it ***as it must surely be*** on every one's bones from birth, would ***per force*** persuade the descendants of coin-clippers and murderers and thieves and the all of the impoverished deportees that there was ***a better way*** and that would be that ?

We do not consider that Her Majesty Queen Victoria or Her best advisors were drooling criminal morons intent on enslaving the Persons of the Commonwealth to the capricious ***laws*** of despots, and so to demonstrate that this consideration is not a wishful fantasy, we will find elsewhere the truth of the matter of how Persons of the Commonwealth are to behave in a ***Civilisation***.

Returning to **THE CONSTITUTION ACT OF 1867**: we see that the appointments and tenure of judges are subject to their continuing ***good behaviour*** we see that certain warrant issuing powers are invested in the President of the Legislative Council and the Speaker of the Legislative Assembly for persons who fail to attend when summoned and/or who fail or refuse to produce informations when ordered to do so. The nature of corruption was not unknown to the Councils of the Crown and those in the Parliaments from that date were to be tracked down, arrested and gaoled for such serious offences as not attending inquisitions and for failing to produce information as required. Thus official duties and responsibilities are developed early on.

QUEENSLAND

The purpose and effect of **(63 Vic. No. 9.)**, among other matters, is to –

establish and define the jurisdiction and application of the statutory laws;
establish and define inalienable rights (Civil Remedies);
define offences;
distinguish between crime and misdemeanour;
authorises, defines and limits judicial powers;
define responsibility in relation to duty and negligence; and inversely
define the omission to perform a duty as an offence;
define criminal responsibility; and
establish penalties and punishments for crimes and misdemeanours;
establish procedures of indictment, arrest, trial ...;
establish rules of evidence ...

Just as we can see an evolvement of the lawful Constitution of Governments of the Commonwealth, we can also see the development of the Civil and Criminal Law which effectively constitutes the ***civilisation*** of the Commonwealth of Australasia. Promulgated claims that the law of the Commonwealth consists in the "supreme law" of Section Nine of **THE COMMONWEALTH CONSTITUTION ACT OF 1900** are as stupid as they are criminal and false.

Returning to the ***progressus*** of the development of the Statutory Civil and Criminal Law, **THE CRIMINAL CODE ACT OF 1893**, or what is the Criminal Code of the colony of New Zealand, is the enactment of around four hundred statutes (just to go by the section index) which compares to some 700 statutes enacted in **THE CRIMINAL CODE OF 1899.** In slightly different terms, the former (**1893**) is a prefiguration of the latter (**1899**) and the latter is the refinement and development of the former. Much of the legislated law is present in both Enactments. Significant, perhaps, is the absence of Defamation Laws in the New Zealand Code which were perhaps later amended into the **1893 CODE;** significant, too, is the absence of Sedition laws. Were the Statutes of the Realm never repealed in New Zealand ?; Judicial Corruption and Official Corruption are governed by a few statutes, but which in the **1899 CODE** are developed into substantial statutory chapters.

QUEENSLAND

With the enactment of **(63 Vic. No. 9.),** the **CODE** of which is to be effective from 1 January 1901, the effective Statutes of the Realm or sections thereof and the effective statutes of "Queensland" and New South Wales are repealed by the Act and replaced by the statutes of **THE CRIMINAL CODE OF 1899 [Schedule I]** of the Act.

(63 Vic. No. 9.)
THE CRIMINAL CODE ACT, 1899

3. Repeal –

On and from the coming into operation of the Code [1 January 1901] –

(1) **[Schedule II] —** The several Statutes of the Realm mentioned in the Second Schedule to this Act shall be repealed so far as they are in force in Queensland to the extent in the said Schedule indicated ;

(2) **[Schedule III] —** The several Statutes of New South Wales and Queensland mentioned in the Third Schedule to this Act shall be repealed to the extent in the said Schedule indicated ;

(3) **[Schedule IV] —** The several Statutes of New South Wales and Queensland mentioned in the Fourth Schedule to this Act shall be amended in the manner in the said Schedule indicated, and shall be read and construed as being so amended accordingly.

If we are to consider that the colony-territory of Queensland is what is being referred to here, then a ***state of lawlessness*** would be enacted for the colony of New South Wales with the repeal of the Statutes of the Realm, and the remaining colonies, including the newly constituted governance of Western Australia would also be lawless or would remain common law jursidictions. This is obviously not what is intended in the Act.

QUEENSLAND

From the Enactment of **THE CRIMINAL CODE ACT OF 1899** (28 November 1899) and the Commencement of **THE CRIMINAL CODE OF 1899** (1 January 1901) and the Enactment and Establishment of **COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT** (9 July 1900) and ***Federation***, the Commonwealth ***becomes Sovereigntised and is Secularised***. The point is this : the Rule of Law is Instituted and the "***good government***" of the Commonwealth and its States is Constituted (by which is meant ***Established***). But from Federation, the Parliaments are progressively taken over by ***self-serving*** criminals posing as ***political ideologues***.

In the colony-State of Queensland, (Chief Justice) Griffith S.W., Sir. (eventually excluded from earlier Constitutional drafts on account of some megalomania, and accused of nepotism or ***bargaining in offices*** with his collaborators, and seemingly the aspiring occupant of more than one concurrent position of profit under the Crown, who is ***purported*** to have drafted **THE CRIMINAL CODE OF 1899**) becomes "***premier***" of the un-constitutionally assembled legislature of the colony-State of Queensland for twenty-odd years ... (an unconstitutional and unlawful entity by the terms of the Constitution of 1900). In the Parliament of the Commonwealth, Albert Deakin (who, reportedly, had been involved in the drafting of the Constitution of 1900) becomes "***prime minister***" (another office ***not recognised by the Constitution***).

Incidentally, the ***spiritualist*** Deakin is said to have been somewhat astounded that Griffith could have "***drafted***" **THE CRIMINAL CODE OF 1899** in just three years. the fact is that ***he*** would not exactly have had to start from scratch and to what extent ***he did anything*** is a questionable matter **THE CRIMINAL CODE OF NEW ZEALAND OF 1893 (57 VICT. No. 56)**, enacting some four hundred and twenty-four sections, and **THE CRIMINAL CODE OF CANADA OF 1892 (55 & 56 VICT. c. 29)**, enacting nine hundred and eighty-three sections. Besides, Griffith S.W., Sir., had really had since the year 1867 to perfect the (re-)drafting of around seven hundred statutes, if such was really the case. The drafting of Canada's **(55 & 56 VICT. c. 29)** is said to have occupied twelve men from six government departments for one year. **THE CODE OF 1899 (63 VIC. No. 9)** has around seven hundred sections (**707** in the **REFORMATION PROJECT TRANSCRIPT**) .

QUEENSLAND

Failure to have read or to understand the entirety of the relevant Victorian Acts could result in some confusion as to the jurisdiction and application of **(63 Vic. No. 9.)**. The facts of the matter can be established by various means although it would accomplish nothing to refer to promulgated and professional opinion which states that **THE COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT OF 1900** is reducible to Section Nine thereof, and that "***Australians***" made the Constitution of the Commonwealth, and that ***common law*** is the law in the Commonwealth.

This brings us to an important matter : it is officially and professionally promulgated that the law of the States of the Commonwealth, but for the colony-State of Queensland, is ***common law***, or more specifically, the States are said to have and to have had authority to enact their own Civil laws and Criminal Codes, although this is not the case: the Instrument of Sovereigntisation and Civilisation is **THE CRIMINAL CODE ACT AND THE CRIMINAL CODE OF 1899 (63 Vic. No. 9.)**; it is on this that **THE CONSTITUTION ACT OF 1900** is founded.

It is also claimed that the Commonwealth has no uniform Criminal Code, Civil laws, ***or*** Defamation Laws and that the Persons of the Commonwealth do not have statutory rights but for those which might be included in the relatively contemporaneous Constitutions of several States and those deriving from post World War Two International ("human rights") Conventions to which the Commonwealth (and states by default) are signatory. These falsehoods can be ***dismissed*** if we establish some essential facts pertaining to the matter of "**QUEENSLAND**" and the Civil, Criminal and Constitutional law.

Prior to **1899/1901**, English common law and several Statutes of the Realm were in force throughout the territories. The extent to which **THE CODE [Schedule I** of **THE CRIMINAL CODE ACT OF 1899]** ***en-coded*** the ***Civil and Criminal law*** into statutes and repealed the Statutes of the Realm that were ***in effect***, enacted statutes providing inalienable rights, distinguished misdemeanours from crimes, established criminjal responsibility, responsibilities toward duties, established omissions as offences, determined jurisdictions and set limits to the operation of courts and provided the courts with the tools requisite for making Rules. What **THE CODE** did not address remained effectively in the common law realm. The comprehensivity of the Code meant that not much escaped its attention and the effect of its Enactment is to Establish a Code of Civil and Criminal Law.

QUEENSLAND

Prior to **1899/1901**, English common law and several Statutes of the Realm were in force throughout the territories. The extent to which **THE CODE [Schedule I** of **THE CRIMINAL CODE ACT OF 1899]** ***en-coded*** the ***Civil and Criminal law*** into statutes and repealed the Statutes of the Realm that were ***in effect***, enacted statutes providing inalienable rights, distinguished misdemeanours from crimes, established criminjal responsibility, responsibilities toward duties, established omissions as offences, determined jurisdictions and set limits to the operation of courts and provided the courts with the tools requisite for making Rules. What **THE CODE** did not address remained effectively in the common law realm. The comprehensivity of the Code meant that not much escaped its attention and the effect of its Enactment is to Establish a Code of Civil and Criminal Law.

Judiciary Act 1903
Act No. 6 of 1903 as amended

Part XI Supplementary provisions
Division 2 Application of laws

80 Common law to govern

So far as the laws of the Commonwealth are not applicable or so far as their provisions are insufficient to carry them into effect, or to provide adequate remedies or punishment, the common law in Australia as modified by the Constitution and by the statute law in force in the State or Territory in which the Court in which the jurisdiction is exercised is held shall, so far as it is applicable and not inconsistent with the Constitution and the laws of the Commonwealth, govern all Courts exercising federal jurisdiction in the exercise of their jurisdiction in civil and criminal matters.

This does not contradict the **THE CRIMINAL CODE ACT OF 1899,** but rather reflects it.—

(63 Vic. No. 9.)
THE CRIMINAL CODE ACT, 1899

An Act to Establish a Code of Criminal Law

2. Establishment of Code [Schedule I.] –

On and from the first day of January, one thousand nine hundred and one [1 January 1901], the provisions contained in the Code of Criminal Law set forth in the First Schedule to this Act, and hereinafter called "**the Code**," shall be the law of Queensland with respect to the several matters therein dealt with.

Civil, Criminal and Constitutional Law are not common law jurisdictions; any matter which is found not to be addressed by the Laws of the Commonwealth may be settled on the basis of the common law. But the Commonwealth is a common law jurisdiction, they say ...

So, prior to **1899/1901** and the Enactment of **THE CRIMINAL CODE ACT OF 1899** and **THE CRIMINAL CODE OF 1899 (63 Vic. No. 9.)**, the laws of the land had been English common law and British Statutes, after the passing of the Act, the law of the land became **THE CRIMINAL CODE [OF 1899]** which was ***neither*** English common law ***nor*** Realm Law which applied to the jurisdiction of the territory of "**QUEENSLAND**".

It is not so much that confusion or uncertainty pertains to these matters as that they have probably never been appropriately examined. Since 1842, the task of constituting the Australian territories of the Crown was initiated. **THE CONSTITUTION ACT OF 1867** reads

> "... it was declared and ordered by the Queen's Most Excellent Majesty in Council [6 June 1859] that the Legislature of the colony of Queensland should have full power and authority from time to time to make laws altering or repealing all or any of the said Order in Council in the same manner as any other laws for the good government of the colony."

The date 6 June 1859 is the date of the partition of the territory of Queensland from the territory of New South Wales; concurrently, it is the date of the establishment of a colony separate from the colony of New South Wales, Queensland; this was also the date when Her Majesty in Council was satisfied that the said colony was competent to ***self-govern.*** But this was not an isolated or pre-emptory event. "Self-governance" is effectively no different to "responsible government" which was attained by the colonies of Victoria, Tasmania, New Zealand and New South Wales in 1856, South Australia in 1857, and Queensland in 1859. And there was nothing unique about this; the Empire was ***to be and was progressively being Civilised***. And there is nothing special or exclusive about the term "self-governing" –

(58 & 59 VICT. c. 34.)
THE COLONIAL BOUNDARIES ACT OF 1895

(3.) In this Act "**self-governing colony**" means any of the colonies specified in the schedule to this Act.

SCHEDULE

SELF-GOVERNING COLONIES

Canada.
Newfoundland.
New South Wales.
Victoria.
South Australia.
Queensland.
Western Australia.
Tasmania.
New Zealand.
Cape of Good Hope.
Natal.

Being a self-governing colony is not a matter of Independence.

QUEENSLAND

(63 Vic. No. 9.)
THE CRIMINAL CODE ACT, 1899

An Act to Establish a Code of Criminal Law

[Assented to 28th November, 1899]
[Commenced on, as of and from 01 January 1901]

Preamble

Whereas it is desirable to Declare, Consolidate, and Amend the Criminal Law:

Be it enacted and declared by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows: –

1. Short title –

This Act may be cited as "***The Criminal Code Act, 1899***".

Although, from the preamble, the Act is enacted with the advice and consent of the "the Legislative Council and Legislative Assembly of Queensland in Parliament assembled", the Parliament of that colony is empowered through its authority and competence to co-enact legislation, for the purposes of the Act, for the other colonies.

QUEENSLAND

(52 & 53 VICT. c. 63)
THE INTERPRETATION ACT OF 1889

New General rules of construction

18. Geographical and colonial definitions in future Acts

(7.) The expression "**colonial legislature**" and the expression "**legislature,**" when used with reference to a British possession, shall respectively mean the authority, other than the Imperial Parliament of Her Majesty the Queen in Council, competent to make laws for a British possession.

The Constituted Model of lawful governance in the colonies was still that of **1867**. On the consideration that the Legislature of the colony of Queensland was "competent to make laws for a British possession", the authority of that Legislature sufficed for ***its*** Legislative Councilors and Legislative Assembly members to enable laws which applied to the whole of the British possession (the Australian Territories) and to all of the colonies (British possessions) and dependancies therein.

(31 Vic. No. 6.)
THE ACTS SHORTENING ACT of **1867**

General Provision.

24. Provisions of the said Act extended to all enactments. –
The provisions of this Act applicable to Acts of the Legislature of this territory shall extend to every Act passed or to be passed by such Legislature for the time being however constituted.

And every Act passed in this territory by whatsoever Legislature may be referred to by the words "Act passed in this Colony" or by the term "Act of the Legislature of New South Wales."

Provided that the word "Act" alone when used to indicate an enactment shall equally be taken to mean an Act of the Legislature of this Colony unless that construction be inconsistent with the context.

The notion of ***consistent context*** is here important. As it is apparently the Legislature of the colony of Queensland which is considered to be the body competent to legislate for the colonies, there is no specific mention or expression that the colony of Queensland ***in isolation*** is the recipient of the Statutory Civil and Criminal **CODE OF LAW**. And so, the context of the scope and application of **(63 Vic. No. 9.)** to the colony of Queensland, as distinct from all of the other colonies would be inconsistent with the use of the term "**QUEENSLAND**" as the territory-colony of Queensland throughout the Act and its Schedule(s).

Reading **THE CRIMINAL CODE [ACT], OF 1899** gives no impression or idea that an isolated and parochial colony is the sole beneficiary of the **CODE OF STATUTORY CIVIL AND CRIMINAL LAW** and/or that the other colonies would have to continue to live under the ***arbitrary*** and ***judge*** and ***precedent*** dependent ***common law***. There is nothing about **(63 Vic. No. 9.)** which is not ***Universal of*** or ***Generic in*** its applicability and jurisdictional range when seen as the Law of the Land (Queensland or the Commonwealth).

QUEENSLAND

Even though the competent authority of the Legislature of Queensland allows them ***to have advised on*** and ***to consent to*** the enactment of **THE CRIMINAL CODE [ACT], OF 1899**, and even though the ***un-official*** title of the Act is given as **THE CRIMINAL CODE OF QUEENSLAND** (the title of the Act and the short title of Schedule I of the Act "**THE CRIMINAL OF CODE, 1899**" does not refer to the colony of Queensland or Queensland at all. Our surmises being correct, it would hardly have been appropriate to name and commence this Act before the legislature of the Commonwealth was even constituted (9 July 1900), but it is significant that **THE CODE** was to become effective ***on***, ***as of*** and ***from*** 1 January 1901, just six months before the limit for the Proclamation of Federation.

The parallel or inter-locking evolutive development of the **CRIMINAL CODE** and the final form of **THE COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT OF 1900** (begun with **THE AUSTRALIAN CONSTITUTIONS ACT OF 1842**), is the strongest proof of the Constitutional necessity of **(63 Vic. No. 9.),** or **THE PRINCIPLE ACT**. As we have already implied, it is one thing to Constitute the lawful form of govern-ment, but it is another thing to Constitute the lawful and just behaviours of those who may seek to be in the Parliaments and Courts of the land.